

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

DIANA MEY,

Plaintiff,

v.

Civil Action No. 5:19CV176
(STAMP)

MONITRONICS INTERNATIONAL, INC.
d/b/a BRINKS HOME SECURITY and
HOME SECURITY USA, LLC d/b/a
COLORADO'S HOME SECURITY USA,

Defendants.

**ORDER VACATING FIRST ORDER AND NOTICE AND
SECOND ORDER AND NOTICE REGARDING DISCOVERY AND SCHEDULING**

On June 19, 2019, this Court entered a first order and notice regarding discovery and scheduling. ECF No. 6. On July 16, 2019, this Court stayed the entire civil action until August 23, 2019. ECF No. 13. On August 30, 2019, this Court granted the parties' joint stipulation (ECF No. 14) and extended the stay until September 3, 2019. ECF No. 15.

Because the original dates in this Court's first order and notice have passed due to the stay, pursuant to Federal Rule of Civil Procedure 16(b) and 26(f) and Local Rules of Civil Procedure 16.01 and 26.01,¹ it is hereby ORDERED² that:

¹Reference to these and other local rules are to the Local Rules as revised and made effective March 2018.

²It should be stated that effective December 1, 2015, Rule 26(b)(1) has been amended to include, among other matters, considerations of proportionality as an explicit component of the definition of the scope of discovery. Under the amendment, proportionality should be considered in light of the following six factors: (1) "the importance of the issues at stake in the action"; (2) "the amount in controversy"; (3) "the parties' relative access

1. Initial Planning Meeting: Pursuant to Federal Rules of Civil Procedure 16 and 26(f) and Local Rule of Civil Procedure 16.01(b), parties to this action shall meet in person or by telephone on or before September 17, 2019. At this meeting, the parties shall discuss all matters required by Federal Rules of Civil Procedure 16 and 26(f)³ and Local Rule of Civil Procedure 16.01(b).

2. Meeting Report and Proposed Discovery Plan: Pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule of Civil Procedure 16.01(c), the parties shall file at the Clerk's Office a written report on the results of the initial discovery meeting on or before September 24, 2019. This report shall include the parties' report on those matters set forth in Local Rules of Civil Procedure 16.01(b)(1)-(6) and (c) and the parties' discovery plan as required by Federal Rule of Civil Procedure 26(f). The parties' report on their meeting shall be considered by this Court as advisory only. Parties and counsel are subject to sanctions as set

to relevant information"; (4) "the parties' resources"; (5) "the importance of the discovery in resolving the issues"; and (6) "whether the burden or expense of the proposed discovery outweighs its likely benefit." See Federal Rule of Civil Procedure 26(b)(1).

³The parties are reminded that effective December 1, 2006, Rule 26(f) has been amended to require the parties to address: (1) any issues relating to disclosure or discovery of electronically stored information, including the form or forms in which it should be produced; and (2) any issues relating to claims of privilege or protection as to trial preparation material including, if the parties agree on a procedure to assert such claims after production, whether to ask the Court to include their agreement in an order.

forth in Local Rule of Civil Procedure 37.01 for failure to participate in good faith in the development and submission of a meeting report and proposed discovery plan.

3. Scheduling Conference/Scheduling Order: Upon receipt of the meeting report and proposed discovery plan, this Court may conduct a scheduling conference at a date and time deemed appropriate. See Fed. R. Civ. P. 16(b) and LR Civ P 16.01(d). However, if this Court determines, after a review of the meeting report and proposed discovery plan that a scheduling conference is not necessary, no conference will be scheduled and a scheduling order will be entered. See Fed. R. Civ. P. 16 (b) and LR Civ P 16.01(c). Pursuant to Local Rule of Civil Procedure 16.01(e), a scheduling order will be entered as soon as practicable as permitted by Federal Rule of Civil Procedure 16(b).

4. Initial Discovery Disclosures: Pursuant to Federal Rule of Civil Procedure 26(a)(1) and Local Rule of Civil Procedure 26.01(a), each party shall provide to every other party the initial discovery disclosures required under Federal Rule of Civil Procedure 26(a)(1) on or before **October 15, 2019**.

This Court's prior first order and notice regarding discovery and scheduling (ECF No. 6) is hereby VACATED.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to counsel of record herein.

DATED: September 4, 2019

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE